

UNITED STATES COURT OF APPEALS August 15, 2008

FOR THE TENTH CIRCUIT Elisabeth A. Shumaker
Clerk of Court

ALVIN PARKER,

Plaintiff - Appellant,

v.

ALBINA GOSMANOVA, M.D., OU
MEDICAL CENTER; JESUS
MEDINA, M.D.,

Defendants - Appellees.

No. 08-6147
(D.C. No. 5:07-CV-00837-D)

ORDER

Before **MURPHY, McCONNELL**, and **HOLMES**, Circuit Judges.

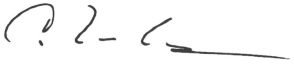
This is an appeal from a non-final district court order, entered on July 2, 2008. The court has considered appellant's response to its show cause order issued on July 22, 2008 and orders that this appeal be dismissed for lack of appellate jurisdiction.

The order appealed adjudicated only plaintiff's claims against defendant OU Medical Center and did not adjudicate his claims against defendants Gosmanova and Medina. Those claims remain pending. No certification under Fed. R. Civ. P. 54 (b) has been issued. Accordingly, the order being appealed is

not final and this court lacks jurisdiction to consider this appeal. *See Atiya v. Salt Lake County*, 988 F.2d 1013, 1016 (10th Cir. 1993). When the district court enters a final, appealable judgment, plaintiff may appeal, if he wishes.

APPEAL DISMISSED.

ELISABETH SHUMAKER, Clerk of Court

by: 
Christine Van Coney
Counsel to the Clerk